

REMARKS

This Request for Reconsideration is filed in response to the Office Action of February 15, 2007 in which the Group I elected claims 1-38 were rejected. A divisional application U.S. Serial No. 11/599,507 was filed November 13, 2006 covering the non-elected Group II claims 39-47.

In section 3 of the Office Action, the Examiner has rejected claims 1-4 and 18 with reference to their alleged lack of novelty over *Melaku et al* (US 2009-0032414).

The applicant respectfully disagrees with this finding for the following reasons.

Melaku teaches a system providing picture caller line identification (PCLI) information for called parties in mobile telephone systems (see e.g. section [0021]).

Melaku merely uses electronic messaging to transfer images, which images are later used to indicate the caller. See for example section [0040]: "If the SMS message includes a PCLI header, then the PCLI picture (or other data) and caller ID data is retrieved 240 and stored in the picture cache 154," and in section [0041]: "Upon notification of receipt of a new call 232, the caller ID is retrieved for the call 244, and a determination is made 246 as to whether the caller ID for the call matches the caller ID for a picture in the picture cache." *Melaku* thereby presents showing a picture matching a caller, but it is nowhere shown to use images to indicate a sender of an electronic message.

In order to be anticipatory, a reference must identically disclose all the features of a claimed invention.

The invention, according to claims 1-4 and 18, therefore presents novelty and withdrawal of the 35 U.S.C. Section 102(e) rejection of claims 1-4 and 18 is requested.

In section 5 of the Office Action, claims 5-7 and 25 are rejected with reference to their alleged obviousness over *Melaku* in view of *Burns et al* (US 2002-0126146).

It is nowhere suggested by *Melaku* nor by *Burns* to use images to indicate an identity of a sender of an electronic message.

According to MPEP 2142-2413, to establish a *prima facie* case of obviousness, it is laid down that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." No combination of the references teaches or suggests, implicitly or explicitly, all the claim limitations, whereby the invention according to claims 5-7 and 25 is non-obvious and is therefore entitled to a patent. Withdrawal of the obviousness rejection of claims 5-7 and 25 is requested.

In section 6, claims 8-17, 19-24, 26-27 and 29-38 are rejected with reference to their alleged obviousness over *Melaku* in view of *Kamimura* (US 2002-0094806).

It is nowhere suggested by *Melaku* nor by *Kamimura* to use images to indicate an identity of a sender of an electronic message.

No combination of the references teaches or suggests, implicitly or explicitly, all the claim limitations, whereby the invention according to claims 8-17, 19-24 and 29-38 is non-obvious and is therefore entitled to a patent. Withdrawal of the obviousness rejection of claims 8-17, 19-24, 26-27 and 29-38 is requested.

In section 7, claim 28 is rejected with reference to their alleged obviousness over *Melaku* in view of *Hsu* (US 5,907,604).

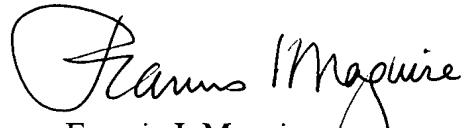
It is nowhere suggested by *Melaku* or by *Hsu* to use images to indicate an identity of a sender of an electronic message.

No combination of the references teaches or suggests, implicitly or explicitly, all the claim limitations, whereby the invention according to claim 28 is non-obvious and is therefore entitled to a patent. Withdrawal of the obviousness rejection of claim 28 is requested.

The objections and rejections of the Office Action of February 15, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-28 to issue is earnestly solicited.

It is believed by the applicant that there are no fees due on account of any amendment to the claims or any needed extension of time and so no fee payment is made. However, if this is for some reason incorrect the Commissioner is authorized to deduct the fee from our Deposit Account No. 23-0442.

Respectfully submitted,



Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/lk
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234